

INTERAGENCY COORDINATION (IC) WORKING GROUP (WG)
William's Coast Guard Building
Boston, MA
9:30am to 5:30pm
29 March 2004

MEETING SUMMARY

ACTION: Upcoming meetings

WG members have recommended that the next meeting be held during the last week in April or first week in May. Ben Cowie-Haskell will poll WG members to determine the next meeting date.

ACTION: Action Plan Development

Haskell will develop a "straw-man" Action Plan for the WG to work from during the next meeting. The "straw-man" Action Plan will be provided to WG members for review one week prior to the next meeting.

ACTION: 27 February Meeting Summary Revision

WG members requested two changes to be made to the 27 February Meeting Summary:

- p. 6-7, National Marine Sanctuaries and NOAA Fisheries Jurisdictions and Authorities Presentation: Change all occurrences of "NOAA" to "NOAA Fisheries."
- p. 7, National Marine Sanctuaries and NOAA Fisheries Jurisdictions and Authorities Presentation: Under the sub-heading "The Northeast Region of NOAA Fisheries and SBNMS," modify the second sentence to read, "Based on this range, the Region encompasses SBNMS and therefore NOAA Fisheries Regulations apply within the Sanctuary as well."

Jennifer Ghiloni will make these changes and post the modified Summary on the SBNMS website.

ACTION: Questions to the EPA

Haskell has developed a series of questions regarding EPA regulations, proposals, and guidelines that could have potential impact on SBNMS (see Appendix A: Questions for EPA). Tim Timmermann will be responsible for contacting EPA and obtaining the answers to these questions. Timmermann will provide the WG with the EPA answers at the next WG meeting.

ACTION: NOAA Fisheries Permit Coordinator

WG members were interested in obtaining information regarding the number of permits and the organizations/individuals that have been issued permits to conduct waste disposal activities at the Mass Bay Waste Disposal Site. Kevin Chu will provide the WG with contact information for the NOAA Fisheries Permit Coordinator, Sean McDermit.

ACTION: FAA Presentation

The WG is still interested in including the FAA in the IC WG process. Haskell will continue to pursue this with the FAA.

Working Group Attendees (March 29, 2004):

Name	WG Seat / Affiliation	Attendance
Sally Yozell	Batelle Ocean Sciences, WG Chair	Not Present
Ben Cowie-Haskell	SBNMS, Ed WG Team Lead	Present
Kathi Rodrigues	NMFS/NER, Fishing Regs.	Not Present
Kevin Chu	NOAA, Fishing Regs. (Alt for Kathi Rodrigues)	Present
Paul Howard	FMC, Fishing Regs.	Not Present
Gino Morro	NOAA Office of Law, Enforcement	Not Present
Joe Green	NOAA Office of Law (Alt. for Gino Morro)	Present
Greg Hitchen	USCG, Enforcement	Present
Kathleen Dolan	Env. Police, Enforcement	Present
Tom Fetherston	US Navy, Enforcement	Present
Tim Timmermann	USEPA, Other Agencies	Present
Andrew Raddant	DOI, Other Agencies	Present
Steve Tucker	Cape Cod Commission, Public Interest	Not Present
Stephanie Campbell	NOAA/NOSGC, Legal/Policy	Present
Susan Snow-Cotter	MA CZM, State	Not Present
<i>Others Present</i>		
Tom Fredette	US ACOE	
Jennifer Ghiloni	PSGS	

WELCOME, INTRODUCTIONS AND ADOPTION OF AGENDA

Haskell welcomed WG members and provided a brief explanation of the effort at hand. Each member was then asked to introduce themselves. The meeting agenda and the summary from the 27 February Meeting was presented to the WG. The 27 February Meeting Summary was accepted with minor revisions.

Haskell provided the WG with a series of “guiding questions.” He asked that the group reflect back on these questions throughout the WG process as presentations are made and Action Plan’s are developed. The “guiding questions” presented to the group include the following:

1. How can the Sanctuary best communicate its mandate and mission to agencies?
2. What cooperative agreements exist or should be developed to facilitate interagency understanding of the Sanctuary mission and to ensure the greatest protection of sanctuary resources and qualities?
3. What other mechanisms for coordination among affected agencies should be considered?
4. How does the Sanctuary evaluate potential effects of agency actions affecting sanctuary resources?
5. How does the Sanctuary evaluate its performance with respect to interagency cooperation?
6. How can associated regulatory regimes enable the Sanctuary to carry out its mandate of resource protection?

7. How can the Sanctuary collaborate with other agencies on research of regional and international importance?
8. How can the Sanctuary facilitate an effective and coordinated program for the enforcement of agency regulations that affect sanctuary resources?
9. How can the Sanctuary reduce threats to resources posed by emergencies through contingency and emergency response planning?
10. How can the Sanctuary most effectively influence the development of regional marine conservation policies that may affect sanctuary resources and qualities?

OLD BUSINESS AND ACTION ITEMS

The following briefly describes the results of the Action Items identified during the 27 February Meeting.

Division of Marine Fisheries (DMF)

The DMF was highlighted as an important potential partner to the SBNMS. Haskell has contacted Dave Pierce of the DMF and has invited him to participate in the IC WG. Haskell has asked Pierce to make a brief presentation about DMF at the next WG meeting.

Minerals Management Service (MMS)

It was brought to the WG attention that the MMS is interested in developing a partnership with SBNMS. Andrew Raddant has contacted a member of the MMS who is interested in meeting with SBNMS to discuss the potential partnership. Raddant will provide Haskell with contact information.

Tribal Activities

The WG was interested in determining if there are any historical Native American ties to SBNMS. Raddant has contacted an Archeologist from the Bureau of Indian Tribal Affairs who is interested in working with the SBNMS to investigate a potential tribal-SBNMS relationship.

Fostering Partnerships

SBNMS expresses a strong interest in displaying information about the Sanctuary at parks and other protected areas that have overlapping interests with the Sanctuary. Raddant has contacted the Maritime Museum in Salem, MA to determine potential interest. Based on conversations, the Museum has expressed interest in developing a partnership and an exhibit in connection with SBNMS. Raddant will provide Haskell with contact information.

PRESENTATIONS

The Navy in the Northeast

Tom Fetherston's presentation was made with the objective of providing the WG with information on the Navy and how Navy operations may impact and/or effect SBNMS and its resources.

The Navy, the Department of Defense (DOD), and the National Marine Sanctuaries

Under the National Marine Sanctuaries Act, the Secretary of Commerce has been authorized to designate and manage marine areas with special national significance (e.g., recreational, ecological, historical, scientific, cultural, archeological, educational, and esthetic) as National Marine Sanctuaries. The Navy and the DOD are particularly interested in what goes on within these designated sanctuary areas. Specifically, they are interested in working to ensure that both Navy and DOD needs can be met without adversely impacting the ecological integrity of the sanctuaries. In order to better accommodate sanctuary

protection, DOD is in the process of standardizing the “grandfathering” of DOD activities under individual Sanctuary Regulations. In addition, they are developing a comprehensive list of DOD actions occurring both in and/or adjacent to each sanctuary for NOAA environmental impact statements and proactively participating in Sanctuary Advisory Councils (currently the Navy has representatives on the SACs of the Channel Islands, Monterey Bay, and Olympic Coast National Marine Sanctuaries).

Navy Activities within the Northeast Region

Naval activity in the northeast region is based in the following locations:

- Naval Air Station, Brunswick ME – This is the only naval air station in the region. P-3 aircraft flying from NAS Brunswick conduct training operations over the Gulf of Maine. NAS Brunswick is under the operational control of Fleet Forces Command (FFC) in Norfolk, VA.
- Bath Iron Works (BIW) – This facility builds surface ships, such as guided missile destroyers. The Supervisor of Shipbuilding (SUPSHIPBATH) is the Navy on-site representative. SUPSHIP is part of the Naval Sea Systems Command (NAVSEA), Washington DC. NAVSEA is responsible for the acquisition and building of ships, submarines and their associated systems (weapons, sensors, etc.).
- Portsmouth Naval Shipyard – Also part of NAVSEA, it is primarily responsible for refurbishing and refuelingsubmarines.
- Naval Undersea Warfare Center (NUWC) Newport – This laboratory is part of NAVSEA, and is responsible for the development, test, evaluation and acquisition oversight of undersea warfare systems before they are installed on operational ships. In addition, NUWC has in-service engineering responsibility for supporting a number of sytems that are currently deployed.
- Naval Submarine Base New London – This base is homeport to operational attack submarines (SSNs). It is under the operational control of FFC, Norfolk, VA.

Despite the presence of these bases, the Navy has very little interaction with SBNMS and has historically not conducted any activities within its boundaries. The Navy only interacts with SBNMS when it is transiting the Sanctuary to approach Boston Harbor for a port visit (on average only 7 ships enter into Boston Harbor each year). Outside this type of interaction the area of SBNMS is too busy and too shallow an area for naval activities to occur safely. There are, a number of areas outside the Sanctuary designated for naval testing and training activities. However, with the exceptions of the P-3 aircraft, most of these operating platforms do not routinely conduct exercises in the Gulf of Maine. Depending on the activity taking place, the Navy has protocols to follow regarding pre-exercise surveillance, and marine mammal avoidance. As a result of a Section 7 consultation with NOAA Fisheries, no torpedo testing will be conducted between the months of January and June in the Cape Cod Test Area, which overlaps part of the Great South Channel Critical Habitat. In order to better coordinate right whale Sighting Advisory System (SAS) flights and P-3 training sorties, NOAA is routinely notified of exercises that are scheduled to occur in the region one month in advance.

Questions and Answers

Question 1: Fishermen have been known to pull up old vintage missiles and explosives; detonation of these explosives can be a significant issue for marine mammals. What is the Navy’s role in explosive disposal and ensuring marine mammal safety?

Answer 1: The Navy understands the marine mammal issue of explosive disposal and takes measures to evaluate the impact of explosions through the use of scientific models. The evaluation of potential acoustic impacts is a complicated issue, depending on many variables such as water depth, type of source (impulsive vs pprojector), source level, and species present. .

Question 2: Due to the bathymetry of SBNMS, acoustic testing could have a significant impact on the Sanctuary. What are the Navy's plans for acoustic testing in this region?

Answer 2: Some surface ships perform acoustic testing in the Gulf of Maine; however, these tests are not conducted anywhere near the Sanctuary. Submarines generally require depths of 600 feet or greater to submerge, so areas near the Sanctuary are too shallow for safe operations.

Question 3: Are there general guidelines the Navy must follow when operating in "sensitive" areas such as sanctuaries?

Answer 3: For operations near the coasts, sanctuaries and whales, there are standard lookout procedures that must be followed. In addition, shipboard watchstanding personnel must take marine mammal recognition training. Disposal of waste materials are also regulated. In addition disposals will take place within 50 miles of the coast. No plastics or solids will be disposed of; only food and pulp waste. Sewage is also no longer pumped out within continental waters.

Disposal Area Monitoring System (DAMOS)

Tom Fredettes' presentation was made with the objective of providing WG members with a more in-depth understanding of the off-shore waste disposal projects and practices managed by the U.S. Army Corps of Engineers.

Background

The U.S. Army Corps of Engineers Disposal Area Monitoring System (DAMOS) is a very unique program. It has been in existence since 1977 and is considered to be one of the longest running government monitoring programs. There are currently 10 disposal areas that are monitored by the Corps along the coasts of Maine, Massachusetts, and Connecticut. Two of these sites are EPA designated sites. By law the EPA has permitting authority to allow for the disposal of fill, dredge material, and structures outside of the territorial sea (outside the 3-mile zone). Within the 3-mile zone the Corps has the authority to permit the disposal of similar materials under the Clean Water Protection Act, the Research and Sanctuaries Act and the Rivers and Harbors Act. All sites are designated for multiple users and approximately 50% of the volume disposed is Corps generated and 50% is from other project sources. Prior to issuing permits, all materials are tested to ensure disposal safety. Tests include physical, chemical, biological, and bioaccumulation studies. In addition, all vessels permitted to dispose of materials are required to contract an inspector to ensure that dumps are conducted at designated locations (specific dump sites are marked by buoys) and must log the dump location for tracking purposes. At certain times an endangered species specialist is also required to be present during dumping trips.

Mass Bay Disposal Site

The Mass Bay disposal site, designated in 1992, is the site of most significance to SBNMS as it is located along the Sanctuary's western boarder. Currently, it is also the most active disposal site in the system. The Mass Bay disposal site also incorporates the areas of two historic sites, the Industrial Waste Site (IWS) and the Interim Mass Bay Disposal Site (also known as the Foul Area Disposal Site [FADS]).

Effects of Offshore Waste Disposal

Most of the dump locations are 80 meters deep. Due to disposal dumping, the bottom bathymetries within the boundaries of the disposal sites have changed, creating significant bottom features. These features are considered rises consisting of a 5% grade of silt and clay materials. These features are expected to persist.

Questions and Answers

Question 1: Does the Corps use ROVs for disposal site monitoring?

Answer 1: No, this is not general practice.

Question 2: Has the dumping of disposal materials ever, in the eyes of the U.S. Army Corps of Engineers, triggered the “may affect” standard for the Sanctuary?

Answer 2: This has not occurred so far. The Corps conducts joint processing meetings to review all permit applications and allow agencies to review and address any potential concerns. In addition, the Corps must submit a public notice prior to any new dumping permit activities.

Question 3: Is there a dumping schedule?

Answer 3: It is the responsibility of the permittee to develop a dumping schedule and arrange for appropriate inspectors to be aboard during dumping exercises. However, there may be seasonal dumping restrictions that the permittee must abide by.

Question 4: What does the program monitor for?

Answer 4: The Corps monitors for topography (these are generated primarily by single beam technology), recolonization of benthic organisms and the positive/negative impacts to these organisms, as well as plume activity of newly dumped materials (in general, the plume only lasts a couple of hours) at each of the sites.

Law Enforcement

Joe Green’s presentation was made with the objective of providing the WG members with a better understanding of the authority and jurisdiction of the Environmental Police in SBNMS. Kathleen Dolan of the Environmental Police provided supporting information.

Background

The enforcement program within SBNMS is a cooperative enforcement program between the Massachusetts Environmental Police and NOAA. Together these agencies developed the Stellwagen Bank under this plan. Enforcement is responsible for overseeing federal regulations within the Sanctuary. Their power of authority within the Sanctuary is derived from the National Marine Sanctuaries Act.

The primary focus of sanctuary enforcement is gear (driggers, pots, and gill nets), fishing activities, and whale-human interactions. Enforcement is also responsible for overseeing both Designated Area Management (DAM) and Seasonal Area Management (SAM) closures. DAMs and SAMs are put into effect if more than 3 whales are sighted within an area. When a DAM or a SAM is issued the area is shut down and all fixed gear not outfitted with special breaking devices will be removed from the water.

U.S. Coast Guard (USCG)

Greg Hitchen’s presentation was made with the objective of providing the WG with a better understanding of the authority and jurisdiction of the USCG in SBNMS and in Northeast waters.

Background

The northeast region of the USCG consists of the following six Captains of the Port Zones:

- Marine Safety Office (MSO) Portland, ME
- Marine Safety Office (MSO) Boston, MA
- Marine Safety Office (MSO) Providence, RI
- Marine Safety Office (MSO) Long Island Sound New Haven, CT
- Activities New York (ACTVNY)

Within each zone the USCG Captains of the Port are responsible for the safety and security of all maritime activity. The northeast region is also broken out into 7 Groups and Activities that work in conjunction with the Captains of the Port. The groups consist of:

- Group Southwest Harbor
- Group Portland
- Group Boston
- Group Woods Hole
- Group Long Island Sound
- Group Moriches
- Activities New York

Each Group is responsible for the movement of USCG assets (e.g., standard and non-standard vessels) within their areas of responsibility. Groups are also responsible for general law enforcement, search and rescue response, homeland security mission support, aids to navigation, and boating safety. Authority to carry out these activities comes from a broad range of statutes. Patrols are conducted on an ongoing basis by sea and by air and include both on-shore and off-shore areas.

USCG Sanctuary Efforts

The primary efforts supported by the USCG in SBNMS include:

- Fisheries Enforcement
- Patrolling of the western Gulf of Maine Closed Area
- Patrolling of rolling Closed Areas
- Catch Possession Limits
- Gear Regulation Compliance
- DAM Compliance
- Large Merchant Vessel Monitoring
- Oil Pollution Act Compliance
- Right Whale Mandatory Ship Reporting System Compliance
- Whale Watching Observation and Outreach using USCG Auxiliary Staff
- Offshore Disentanglement Activities
- Whale Mortalities

All data resulting from the monitoring of SBNMS is transferred to Sanctuary staff based on memorandum of understanding known as the “Situation Shield.”

PROBLEM STATEMENTS

The IC Problem Statement was modified based on WG discussions conducted during the 27 February Meeting. It was agreed by WG members that this new statement was more of a “goal statement” than a problem statement. Members were presented with the draft Goal Statement and asked to review and modify it as necessary. Based on WG discussions and modifications the following IC WG Goal Statement was established:

The Stellwagen Bank National Marine Sanctuary is the Gulf of Maine’s only national marine sanctuary. Its geologic and oceanographic underpinnings give rise to a wealth of marine life from minute, single-celled plankton to the great whales. The 842 square mile sanctuary area is permanently protected through specific legislation whose purpose is to conserve its natural and cultural resources. The Sanctuary provides adults and children throughout New England and beyond a window into the oceanic world.

Given the Sanctuary’s unique status and its interconnectedness with the Gulf of Maine, state and federal agencies will actively support the Sanctuary’s mission

through their planning and management actions. Similarly, the SBNMS should proactively communicate its purpose and findings to other agencies and seek opportunities to share information, resources, and expertise among agencies.

This Goal Statement will be incorporated into the IC WG Action Plan to be drafted by Haskell for the next WG meeting.

FINAL COMMENTS

Meeting adjourned at 4:00pm.

Gerry E. Studds Stellwagen Bank National Marine Sanctuary
Management Plan Review
Interagency Coordination Working Group – Draft Agenda

Date: 29 March 2004, 9:30-5:00
Location: Williams Coast Guard Building
 2nd Floor conference room
 408 Atlantic Ave.
 Boston, MA
 781-424-0699

TIME	TOPICS AND OBJECTIVES
9:30-9:45	<ul style="list-style-type: none"> • Welcome • Introductions <ul style="list-style-type: none"> • Round Robin (Name, Affiliation, Background) • Approval of meeting summary <p>Discussion Leader: Sally Yozell</p>
9:45-12:00	<ul style="list-style-type: none"> • Agency presentations (20 min. each; agency presentations will be continued at subsequent meetings) <ul style="list-style-type: none"> • NOAA Office of Law Enforcement- Joseph Green • Federal Aviation Administration- TBA • U.S. Navy- Tom Fetherston • U.S. Army Corps of Engineers- Tom Fredette • U.S. EPA- Tim Timmermann <p>Objective : Understand agency authorities and jurisdiction</p>
12:00-12:30	<ul style="list-style-type: none"> • Lunch - Provide d
12:30-2:00	<ul style="list-style-type: none"> • Agency Presentations continued <ul style="list-style-type: none"> • MA Division of Marine Fisheries- David Pierce • New England Fishery Management Council- TBA • Cape Cod Commission- Steve Tucker • US Coast Guard- Gregory Hitchen
2:00-2:30	<p>Review of existing MOUs</p> <p>Objective : Understand current interagency agreements</p> <p>Discussion Leader: Ben Cowie-Haskell</p>
2:30-4:00	<ul style="list-style-type: none"> • Issue prioritization <ul style="list-style-type: none"> • Identify interagency coordination issues and problems • Prioritize issues <p>Objective : Prioritize issues/problems based on what we know</p> <p>Discussion Leader: Sally Yozell</p>
4:00-4:30	<ul style="list-style-type: none"> • Next Steps <ul style="list-style-type: none"> - Building an Action Plan - Meeting Schedule <p>Discussion Leader: Sally Yozell</p>

APPENDIX A: Questions to the EPA

1. What is involved in designating the Sanctuary as a no-discharge zone?
2. Is EPA dealing with cruise ship discharges in Mass Bay and the SBNMS? If so, what is being done to address the issue? Do cruise ships have a way to pump out while in Boston? The Water Quality working group has the lead on this issue but the Interagency Cooperation WG should be aware of the issue as well.
3. What is the status of the Gloucester fish waste disposal proposal by American Standard? Eric Nelson will know the answer to this. Are there any other proposals on the horizon?
4. What is the best mechanism for the SBNMS to be made aware of EPA actions that may impact the Sanctuary? For example, if municipalities are considering ocean discharge for sewage into Mass Bay can the SBNMS be made aware of these proposals?